

**SWANN HADLEY STUMP
DIETRICH & SPEARS**
PROFESSIONAL ASSOCIATION

Pervie P. Swann (1895-1984)

Sharon B. Abner
Karen M. Brown
Stuart P. Buchanan
D. Paul Dietrich II
Kristyn Elliott
Ralph V. Hadley III
Benjamin C. Iseman

Attorneys and Counselors at Law
Since 1924
www.swannhadley.com

Eric B. Jontz
Jeffry R. Jontz
Richard A. Leigh
Michael T. Sheridan
Douglas C. Spears
John R. Stump
Richard R. Swann

Donald P. Dietrich
Of Counsel

November 23, 2016

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: NexGen Global Technologies, LLC

Dear Ms. Dortch:

On Friday, November 18, 2016, Michael Romano as CEO of NexGen Global Technologies, LLC, Peggy DeFilippo, as COO, and myself had a telephone call with David Siehl and Timothy May as well as David Furth, Deputy Bureau Chief, Michael Connelly, and Brenda Boykin. The call was in reference to PS Docket Numbers 11-153 and 10-255. Joining us on the call to present a public safety perspective on these dockets were the following:

1. from Union County, NC 911, Larry Brinker, Community Director, Union County emergency communications
2. from Seminole County, Florida, Mark Pergola, Captain of Special Operations, Mary Fahlstrom, Director of 911 Technology, and Dan Purcell, Captain Diversified Investigative Services
3. from Orange County, Florida, James Garoutsos, IT Director for Orange County Sheriff's office
4. from the Florida School for the Deaf and Blind, located in St. Augustine, Florida, Police Chief, Jerry Chandlee, and Bob Spieckerr, Network Administrator
5. also joining the call was Kevin Beary, who served as Sheriff of Orange County, Florida for 16 years and as President of the National Sheriff's Association.

During the conversation, each and every one of the public safety representatives emphasized to the FCC representatives the urgent need for the telephone carriers (AT&T, T-Mobile, Verizon, and Sprint) to transmit Multimedia Messaging Service (MMS), i.e. pictures and video, with text to 911 transmissions. It was revealed that AT&T, Verizon, and T-Mobile were declining to transmit MMS with the text to 911 messages. Sprint is delivering MMS to its corresponding Text Control Center (TCC), however, that TCC is not delivering the MMS with the text to 911 message. MMS is being stripped off by the TCC before being sent to the Public Service Answering Point (PSAP). According to an email previously provided, from ATT&T to Union County, NC's emergency communications, the basis of the

carrier's refusal was that it was not required by the FCC nor were there standards. The public safety officials recited numerous incidences in which the ability to transmit and receive MMS information is critical in their efforts to save lives by, both of civilians during an active shooter situation, hostages, and first responders themselves.

At the present time, the four primary carriers mentioned above have each participated in the setting up and operation of two text control centers (TCC). Those centers were set up by the carriers on a voluntary basis in response to the request by the FCC. The current rules and regulations require that they accept text to 911, but do not require that they accept and transmit MMS when attached to text and 911 messages. This type of transmission is not prohibited in any way, but is simply not addressed by the current status of the rules. It was noted that in the recent Pulse tragedy in Orlando, Florida, had the ability been in place to text to 911 together with MMS capability, it would have permitted the saving of many of the forty-nine lives that were lost. An observation that was made during the conversation was that the carriers were all willing to freely transmit porn via text, but were refusing to step up and perform this public service by providing emergency transmission of MMS.

During the discussion, it became clear that the technical ability to text 911 accompanied by MMS transmissions can be implemented. The only thing preventing the delivery of this public service is the filters put on these transmissions by both carriers and TCCs.

In response to the questions raised by the carriers concerning standards, the FCC stated that with standards pertaining to the delivery of MMS in hand, they will in turn have a discussion with the carriers regarding this subject matter.

The bottom line request from all of these public safety agencies was the request to the FCC to put in place a relatively minor amendment to the current FCC rules and regulations concerning texts to 911 data transmission to include the ability to transmit and receive MMS. One final note, as Chief Chandler noted from his school which services hearing impaired and blind students, this kind of technology is absolutely critical in order to allow the hearing impaired population to effectively respond to emergency situations. This particular segment of our population totaling in excess of 40 million have no other means whatsoever to achieve these communications.

Sincerely,



Ralph V. Hadley III

RVH/kly

cc: Timothy May (timothy.may@fcc.gov)
David Siehl (david.siehl@fcc.gov)
Michael Romano (mromano@nggt.us)